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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,352	07/26/2001	Lawrence A. Denenberg	782.1100	5411
21171 7590 04/26/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER GAUTHIER, GERALD	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/26/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/912,352

Applicant(s)

DENENBERG ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-29 and 44-64 is/are allowed.
- 6) ☒ Claim(s) 30-35 and 37-43 is/are rejected.
- 7) ☒ Claim(s) 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 18, 2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claim(s) 30-35 and 37-43** are rejected under 35 U.S.C. 102(e) as being anticipated by Finnigan (US 6,650,737 B2).

Regarding **claim(s) 30**, Finnigan discloses a method of processing a newly-arrived message (column 1, lines 14-18), comprising:

Art Unit: 2614

receiving the newly-arrived message during a session using a telephone based voice user interface (column 12, lines 4-8); and

presenting the newly-arrived message to a user who is an intended recipient of the newly-arrived message before the user takes action to end the session based on a categorization order previously specified by the intended recipient using said voice user interface (column 9, lines 10-23).

Regarding **claim(s) 31**, Finnigan discloses a method, wherein the newly-arrived message is presented only if the newly-arrived message is urgent (column 9, lines 23-35).

Regarding **claim(s) 32**, Finnigan discloses a method according, further comprising: interrupting presentation of a message to present the newly-arrived message (column 9, lines 10-23).

Regarding **claim(s) 33**, Finnigan discloses a method, wherein the interrupting occurs only if the newly-arrived message is urgent (column 9, lines 23-35).

Regarding **claim(s) 34**, Finnigan discloses a method, further comprising: presenting the newly-arrived message before presenting any other message (column 9, lines 10-23).

Regarding **claim(s) 35**, Finnigan discloses a method, wherein the newly-arrived message is presented before presenting any other message only if the newly-arrived message is urgent (column 9, lines 23-35).

Regarding **claim(s) 37**, Finnigan discloses a method, further comprising:  
if the newly-arrived message would have been presented earlier in the session,  
interrupting presentation of a message to present the newly-arrived message (column 9, lines 10-23).

Regarding **claim(s) 38**, Finnigan discloses a method, further comprising:  
if the newly-arrived message would have been presented earlier in the session,  
presenting the newly-arrived message before presenting any other message (column 9, lines 10-23).

Regarding **claim(s) 39**, Finnigan discloses a method, further comprising: if the newly-arrived message would not have been presented earlier in the session, including the newly-arrived message in a currently-selected set of message to present to the user (column 9, lines 10-23).

Regarding **claim(s) 40**, Finnigan discloses a method, wherein the newly-arrived message is presented before the user changes message selection criteria (column 9,

Art Unit: 2614

lines 23-35).

Regarding **claim(s) 41**, Finnigan discloses a method, further comprising:  
adding the newly-arrived message to a set of messages that are currently selected for presentation (column 9, lines 10-23).

Regarding **claim(s) 42**, Finnigan discloses a method of processing a newly-arrived message (column 1, lines 14-18), comprising:

responsive to a user command issued during a session, selecting a set of messages to present to the user, the user being an intended recipient of the newly-arrived message (column 9, lines 10-23);

receiving the newly-arrived message during the session using a telephone based voice user interface, but after the user command (column 12, lines 4-8); and

before the user selects a different set of messages for presentation, allowing the user to include the newly-arrived message in the set of messages to present to the user based on a categorization order previously specified by the user using said voice user interface (column 9, lines 10-23).

Regarding **claim(s) 43**, Finnigan discloses a method, wherein the newly-arrived message is included in the set of messages to present to the user only if attributes of the newly-arrived message satisfy all selection criteria associated with the user command (column 9, lines 10-23).

***Allowable Subject Matter***

4. **Claim(s) 1-29 and 44-64** are allowed.
5. **Claim(s) 36** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

6. Applicant's arguments with respect to **claim(s) 30-35 and 37-43** have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Gerald Gauthier  
Primary Examiner  
Art Unit 2614

GG  
April 18, 2007